?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
%DATED: 30.10.2018
*CORAM
THE HON-BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON-BLE MR.JUSTICE N.SATHISH KUMAR
+W.A.(MD).No.520 of 2018
and
C.M.P.(MD).No.3023 of 2018

#1.Union of India,
Rep by its Secretary to Government,
Ministry of Home Affairs,
New Delhi.

2.The Director Generalities
Central Industrial Security Force,
C.G.O.Complex,
Lodhi Road,
New Delhi~110 003.

3.The Inspector General,
Central Industrial Security Force,
CISF, Training Sector,
NISA, Hakimpet,
Hyderabad.

4.The Deputy Inspector General,
South Zone, Head Quarters,
Central Industrial Security Force,
Rajaji Bhavan,
Besant Nagar,
Chennai~600 090.

5.The Senior Commandant,
CISF Unit, VOC Port Trust,
Tuticorin~628 004.

6.The Commandant,
CISF Unit, VOC Port Trust,
Tuticorin. ... Appellants/Respondent Nos.1 to

Vs.

$P.Pandian
...Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letter Patent, against the order passed by this Court in W.P.(MD).No.8885 of 2013 dated 10.11.2017.
!For Appellants : Mr.M.Ashok Kumar

Senior Central Government Standing Counsel

^For Respondent : Mr.Vadivel
for Mr.M.MD.Ibrahim Ali

:JUDGMENT
[Judgment of the Court was made by M.M.SUNDRESH,J.]

This writ appeal is directed against the order of the learned single Judge, who was pleased to set aside the order of compulsory retirement along with consequential pensionary benefits.

2.It is seen that the charge is one of receiving money by way of illegal gratification. Initially, the Disciplinary Authority passed an order of dismissal, which was confirmed by the Appellate Authority. Aggrieved over the same, the petitioner has preferred a revision petition, wherein, the punishment was modified as compulsory retirement with full pensionary benefits.

3.The learned Single Judge, after going into the merits of the case, was pleased to set aside the order passed by the Disciplinary Authority. It appears that the co~delinquent against whom, an order of dismissal was passed, was put under challenge, the allegation is that receiving of money in the presence of the present respondent. Insofar as he is concerned, the order of dismissal was set aside by this Court. However, no backwages was granted, which was also confirmed by the Division Bench of this Court. Thus, as against the co~delinquent, the order was confirmed against the appellants. Insofar as the reinstatement is concerned, it has become final.

4.In such view of the matter, we are of the view that the same ratio will have to be applied to the present case also, in the light of the factual findings given by the learned single Judge. Therefore, on the question of setting aside the order of punishment, we are not inclined to go into the remaining question of granting pensionary and other benefits, which were not granted to the co~delinquent, even otherwise, the payment of backwages is a matter of right. Further, taking into consideration of the fact that the respondent/writ petitioner stands in a different footing than that of the co~delinquent, we are inclined to modify the order of the learned Single Judge to the effect that the first respondent is entitled for monitory benefits from the date of receipt of the order of the writ petition along with continuity of service and other instrumental benefits.

5.With the aforesaid modification, the writ appeal stands disposed of. We make it clear that the continuity of service would start from the date of dismissal. No costs. Consequently, the connected miscellaneous petition is closed.

To

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